

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**JULIE A. SU, Acting Secretary of Labor,
United States Department of Labor;**

Petitioner,

vs.

**CHRISTOPHER C. ARPS, d/b/a CAPITAL
CITY ROOFING AND CONSTRUCTION**

Respondent.

8:23CV138

ORDER TO SHOW CAUSE

Upon the Petition of Julie A. Su, the Acting Secretary of Labor, United States Department of Labor (the “Secretary”), to compel Respondent, Christopher C. Arps d/b/a Capital City Roofing and Construction, to comply with the Secretary’s administrative subpoena *duces tecum* issued pursuant to Section 8(b) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 *et seq.*, seeking documents relating to the Occupational Safety and Health Administration’s investigation of Respondent, and for good cause shown:

IT IS ORDERED:

1. Respondent, Christopher C. Arps d/b/a Capital City Roofing and Construction, shall appear before United States Magistrate Judge Michael D. Nelson on **May 24, 2023, at 10:00 a.m.** in Courtroom #6, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha Nebraska, and show cause, if any there be, why an Order should not be entered requiring Respondent to produce the documents requested in the Secretary’s subpoena *duces tecum* before Area Director Matt Thurlby, Occupational Safety and Health Administration, Omaha Area Office, United States Department of Labor, at 444 Regency Parkway Drive, Suite 303, Omaha, Nebraska 68114, or another designated representative of the Secretary, as required by the subpoena *duces tecum* served upon said Respondent on March 1, 2023.
2. Respondent, Christopher C. Arps d/b/a Capital City Roofing and Construction, shall serve upon the Secretary’s counsel a written response to the Petition to Enforce Administrative Subpoena and the Suggestions in Support, admitting or denying each

allegation and setting forth the cause, if any there be, why the Petition should not be granted, by **May 11, 2023**.

3. The Clerk is directed to provide the United States Marshal copies of this Order, the Petition to Enforce Administrative Subpoena (Filing No. 1), and the Suggestions in Support (Filing No. 2) with accompanying exhibits (Filing No. 3) for service on Respondent.
4. The Clerk is further directed to provide the United States Marshal with the accompanying USM FORM 285, Process Receipt and Return. The United States Marshal is directed to serve Respondent, Christopher Arps d/b/a Capital City Roofing and Construction, at 1939 N. 88th Street, Lincoln, Nebraska 68505 with copies of this Order, the Petition to Enforce Subpoena, Suggestions in Support, and accompanying exhibits.
5. The Clerk is directed to mail a copy of this Order to Respondent at:
Christopher Arps d/b/a Capital City Roofing and Construction
1939 N. 88th Street
Lincoln, Nebraska 68505

Dated this 13th day of April, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge